IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 2366 of 2004

Between:
Smt.A.Bujji, w/o late Ramamohan Rao,
r/o Flat No.302, Ashok Amber Chambers, Vidyanagar, Hyderabad.
..... PETITIONER

AND
1 The State Bank of Hyderabad, rep., by its Branch Manager,
Vidyanagar Branch, Vidyanagar, Hyderabad.
2 A.P.R.Sreedhar, s/o late Ramamohan Rao,
r/o 302, Ashok Amber Chambers, Vidyanagar, Hyderabad.
3 Union of India rep by Secretary, Ministry of Finance, Central Secretariat, New Delhi.
R3 is impleaded as per Court order dated 23-2-2004 in WPMP 3946 of 2004
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction, one in the nature of writ of mandamus, declaring the action of the Ist respondent in issuing the notice under Section 13 sub-section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as illegal, arbitrary and without jurisdiction and consequently direct the Ist respondent not to proceed with the notice dt.6-12-2003

W.P.M.P.NO 3129 OF 2004

Petition under Section 151 CPC praying the High Court to direct the first respondent herein not to sell the property viz., Flat No. B-9, Prime Dwelling Apartments, road No. 12, Banjara Hills, Hyderabad in pursuance of the notice dated 6.12.2003 under Section 13, Sub Se. 2 of the Securitisaion and Reconstructions of Financial Assets and Enforcement of Securities Interest Act, 2002 pending W.P.2366 of 2004 on the file of this High court.

For the Petitioner: MR.M.SESHATALAPA SAI

For the Respondent No.: MR.CH.RAVINDRA BABU

The Court Made the Following :
ORAL ORDER (Per Hon'ble The Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot be granted.

The Writ petition, therefore, is dismissed. W.P.M.P. also stands dismissed.

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DEVINDER GUPTA, CJ

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G. ROHINI, J.

23rd day of June, 2004
pnb

To

1. The Branch Manager, State Bank of Hyderabad, Vidyanagar Branch, Vidya Nagar, Hyderabad.
2. The Secretary, Ministry of Finance, Central Secretariat, New Delhi,
3. Two C.Ds.